Item No. 1008-D X 96-2:S.Rp. 1024

Calendar No. 1157

96TH CONGRESS, 2d Session } SENATE { REPORT No. 96-1024

AMENDING THE WILD AND SCENIC RIVERS ACT

NOVEMBER 21 (legislative day, NOVEMBER 20), 1980.—Ordered to be printed

Mr. BUMPERS, from the Committee on Energy and Natural Resources, submitted the following

COMPLETED ORIGINAL

REPORT

[To accompany S. 3096]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 3096) to amend the Wild and Scenic Rivers Act to authorize the acquisition of certain lands in Douglas County, Wis., having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

S. 3096, as ordered reported, would amend subsection 3(a)(6) of the Wild and Scenic Rivers Act (16 U.S.C. 1274; Public Law 90-542), relating to the (Upper) St. Croix River, by authorizing the acquisition of a 1,380-acre parcel in Douglas County, Wisconsin, known as the "Velie Estate", for addition to the St. Croix National Scenic Riverway.

BACKGROUND AND NEED

The Velie Estate represents an outstanding natural area worthy of addition to the St. Croix National Scenic Riverway. It has remained relatively undisturbed since its purchase in 1893 by an Illinois company as a fishing club for corporate officials. The 1,380-acre area is about equally divided between uplands with level to rolling land and lowlands within a tributary of the St. Croix. Pine trees prevail in the uplands, some of which measure in excess of 12 feet in diameter, while elm, ash and aspen are the predominant lowland species. A variety of fauna inhabit or range across the area. The larger species include white-tailed deer, black bear and timber wolf. There are two active bald eagle nests located on the Velie Estate. The streams are abundant with brook trout.

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(4)

The original company property comprised 2,000 acres, which was acquired in 1928 by Mr. Charles K. Velie. With the establishment of the St. Croix National Scenic Riverway in October 1965, 62 acres were included within the riverway boundary. Of this 62 acres, 20 acres are owned in fee and 42 acres are held in scenic easement. As a result, 1,980 acres were left in private ownership. This was sold in August 1978 to the John-Patrick Investment Company, which has since sold 600 acres for timber harvesting, leaving the remaining 1,380 acres that comprise the present proposal.

To permit the acquisition of the Velie Estate within the provisions of the Wild and Scenic Rivers Act, certain exemptions from acreage limitations imposed by the Act must be authorized. The first relates to subsection 3(b) of the Wild and Scenic Rivers Act, which limits the total acreage of the St. Croix to not more than an average 320 acres per river mile. The St. Croix is 200 miles in length, thus permitting a total acreage of 64,000. The etsablished boundary presently stands at 62,695.91 acres. The addition of the Velie Estate would exceed the level of permissible acreage by 75.91 acres.

Subsection 6(a) limits Federal fee ownership along the river corridor to an average of not more than 100 acres per river mile. The St. Croix, at 16,674.04 acres, is presently well below this limit. However, not all land acquisition is complete, and exemption from subsection 6(a) may be required to accomodate the additional 1,380 acres.

With respect to subsection 6(b), which suspends the Secretary's authority to condemn land for fee acquisition when lands within the river corridor exceed 50 percent public ownership, the combined Federal and State ownership stands at 39,224.82 acres, well in excess of the 32,000 acres otherwise permitted. This is largely attributable to substantial land donations by the Northern States Power Company to the States of Minnesota and Wisconsin. It is not anticipated that the authority granted under subsection 6(b) would be required for any purpose except possibly to clear title, and it is understood the three exemptions would not aply to the St. Croix in any general sense, but only with respect to the addition of the Velie Estate.

S. 3096, as reported, authorizes these exemptions from the Wild and Scenic Rivers Act so that this property can be included within the boundaries of the National Scenic Riverway.

The Committee notes that the existing authorization for the St. Croix will be adequate to cover the cost of acquiring the Velie Estate.

Legislative History

S. 3096 was introduced by Senator Nelson on September 8, 1980. No hearings were conducted on this measure during the 96th Congress.

Committee Recommendation and Tabulation of Vote

The Senate Committee on Energy and Natural Resources, in open business session on November 19, 1980, by unanimous voice vote of a quorum present recommends that the Senate pass S. 3096 without amendment.

Cost and Budgetary Considerations

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., November 19, 1980.

Hon. Henry M. Jackson,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 3096, a bill to amend the Wild and Scenic Rivers Act to authorize the acquisition of certain lands in Douglas County, Wisconsin, as ordered reported by the Senate Committee on Energy and Natural Resources, November 19, 1980.

This bill authorizes the Secretary of the Interior to acquire 1,380 acres of land in Wisconsin with previously authorized funds from the Land and Water Conservation Fund. Based on information from the National Park Service, it is estimated that the cost of this acquisition will not exceed $0.5 million in fiscal year 1982.

Sincerely,

Robert D. Reischauer
(For Alice M. Rivlin, Director).

Regulatory Impact Evaluation

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. S. 3096 authorizes the acquisition of certain lands in Douglas County, Wisconsin.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 3096.

Executive Communications

Prior to the reporting of S. 3096 no Executive agency recommendations were transmitted to the Committee relating to this measure.

Changes in Existing Law

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 3096, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1274)

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(6) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interests to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act. *A one-thousand-three-hundred-and-eighty-acre portion of the area commonly known as the Velie Estate, located adjacent to the Saint Croix River in Douglas County, Wisconsin, as depicted on the map entitled "Boundary Map/Velie Estate—Saint Croix National Scenic Riverway", dated September 1980, and numbered 630–90,001, may be acquired by the Secretary without regard to any acreage limitation set forth in subsection (b) of this section or subsection (a) or (b) of section 6 of this Act.*

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